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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,852	02/16/2005	Markus Berger	202-056	1254

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EXAMINER

DONDERO, WILLIAM E

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/518,852

Applicant(s)

BERGER ET AL.

Examiner

William E. Dondero

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/22/04 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/22/04, 2/16/05, 3/7/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 12/22/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The information disclosure statement filed 2/16/2005 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the clutch/brake mechanism (Claims 8 and 13) and the common drive element used to synchronously control the filaments brakes (Claim 14) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to because the lead lines for reference numeral 1 in Figures 1, 2 and 4 should have arrowheads. Each element in an embodiment that is different from the other embodiments must be referred to with a different reference character. For example, the drum in Figures 1, 3, and 4 requires a different reference numeral since the drum in each of the figures is different. In Figure 3, the lead lines for reference numerals 2, 3, and 5 need to be connected to the drum and drive wheel, respectively. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If

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a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is unclear how the torque of the drum can be adjusted since it appears the torque applied to the drum is adjusted. The examiner suggests replacing "of" with "applied to" in line 3. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: the same reference character should not be used to refer to the different elements of the invention. For example, the applicant has used the reference character 3 to refer to both the drive wheel and the means for adjusting the torque (Line 17, Page 3).

Appropriate correction is required.

Claim Objections

Claim 13 is objected to because of the following informalities: the recitation of a spiraling arrangement is unclear and undefined in the specification of the instant application and would be unclear to one with ordinary skill in the art, therefore it is unclear what is meant by the recitation. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 9, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claim 8, the recitation of the phrase "torque of said drum" in line 8 renders the claim indefinite because it is unclear how the drum can have a torque. The examiner suggests replacing "of" with "applied to".

Regarding Claim 9, the recitation of "said intake region" in line 4 and "said run-out region" in line 5 renders the claim indefinite as it is unclear as to whether the applicant is referring to all said intake and run-out regions or just one.

Regarding Claim 13, the recitation of the phrase "torque of said drum" in line 10 renders the claim indefinite because it is unclear how the drum can have a torque. The examiner suggests replacing "of" with "applied to".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Elder.

Regarding Claim 8, in Figures 8 and 9, Elder discloses a journalled drum (194) defining a drum axis. Additionally, the drum has a plurality of peripherally-extended take-up slots formed thereon (not numbered but shown in Figure 8). Also, the take-up slots are spaced one from the other in the direction of the drum axis. Further, the drum has a means (198) for adjusting the torque. Regarding Claim 9, in Figure 8, Elder further discloses the slots have an arcuate shape when viewed in cross section including a filament intake region at the left of each slot and a filament run-out region at the middle of each slot. The intake region has a first diameter, and the run-out region has a second diameter. The first diameter is greater than the second diameter. Regarding Claim 10, in Figure 8, Elder further discloses the drum is journalled at the right hand end.

Claims 13 and 14 rejected under 35 U.S.C. 102(b) as being anticipated by Adams et al. Regarding Claim 13, in Figures 1 and 3, Adams et al. discloses an

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arrangement comprising a plurality of filament brakes. Each brake includes a rotatably journaled drum 5 defining a drum axis with a plurality of peripherally-extending take-up slots, as shown by the wavy sides in the cross sectional view of Figure 3, spaced one from the other in the direction of the drum axis. Further the arrangement includes a means for adjusting the torque of the drum using a motor (Column 2, Lines 43-45). Regarding Claim 14, Adams et al. further discloses a common drive element 20, in Figure 2, to synchronously control the filament brakes.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Elder as applied to claims 8-10 above, and further in view of Gallini et al. Elder is silent about the drum being a shaft journaled at both ends. However, Gallini et al., in Figure 2, discloses a shaft 1 journaled at both ends to 14 and 15. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the shaft of Elder with a shaft journaled at both ends, as taught by Gallini et al., to make the system more stable.

Claim 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Sacks in view of Aelion et al. In the figure, Sacks discloses a rotatably journaled drum (20) defining a drum axis with smooth surfaces (20, 22, 24), an ancillary shaft (12) adjacent

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to the drum inclined to the drum, and a filament (18) wrapped around the drum and shaft. Sacks is silent about a plurality of filaments being wrapped around the drum and shaft. However, Aelion et al. discloses a plurality of filaments (16a) being wrapped around a drum and a shaft. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to wrap a plurality of filaments, as taught by Aelion et al., around the drum and shaft of Sacks to allow multiple filaments to be processed under the same conditions at the same time and to wind on the same spool.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gift is cited for disclosing a filament brake.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-272-5590. The examiner can normally be reached on Monday through Friday 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

wed

Kathy Matecki

KATHY MATECKI
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